IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.8734 OF 2006

Yashwant Shantaram Palav & Ors. ...Petitioners.
Vs.
Laxman Dharamji Palav & Ors. ...Respondents.
....
Mr. S.A. Sawant for the Petitioner.
Mr. M.H. Solkar, AGP for Respondent Nos.6 and 7.
.....

CORAM :DR.D.Y.CHANDRACHUD, J.
July 4, 2007.

P.C.:

At the hearing of the Petition, Counsel appearing on behalf of the Petitioner has fairly drawn the attention of the Court to the fact that an appeal has been filed against the impugned order of the Assistant Charity Commissioner, framing a scheme under Section 50A(1) of the Bombay Public Trusts Act, 1950. The order of the Assistant Charity Commissioner is appealable and since an appeal has already been filed, it would not be appropriate to entertain the petition. The petition is accordingly on request of Counsel allowed to be withdrawn leaving it open to the Petitioner to pursue the remedies in appeal (Appeal No.95 of 2006) pending before the District Court at

Sindhudurg. All the respective rights and contentions of the parties in appeal are kept open.

The Court has been informed that the appeal has not been taken up for hearing in view of the pendency of the Writ Petition. Since the Writ Petition has now been disposed of, it would be open to the Appellate Court to take necessary steps for setting down the appeal for hearing in accordance with law.

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